

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL LOUTZENHISER,

Plaintiff,

v.

R. GROUNDS, et al.,

Defendants.

No. C-11-2925 TEH (PR)

ORDER GRANTING DEFENDANTS'
MOTION TO VACATE SETTLEMENT
PROCEEDINGS

Doc. no. 61

_____/

Plaintiff, an inmate at the Correctional Training Facility in Soledad, California (CTF), filed a pro se civil rights action under 42 U.S.C. § 1983, and the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (ADA). On September 17, 2014, the Court entered an order granting in part and denying in part defendants' motion for summary judgment. The Court found the remaining claims suitable for referral to settlement proceedings before Magistrate Judge Nandor Vadas. A settlement conference currently is set for February 11, 2015. Before the Court is defendants' request that the Court vacate the settlement conference and permit them to file a second motion for summary judgment based on an expanded factual record. After considering the moving papers and all other matters presented to the Court, defendants' motion to vacate the settlement conference is hereby GRANTED.

1 In order to expedite the resolution of this case, the
2 Court orders as follows:

3 a. No later than sixty (60) days from the date this order
4 is filed, defendants shall file a second motion for summary
5 judgment. The second motion for summary judgment also must be
6 accompanied by a Rand notice so that plaintiff will have fair,
7 timely and adequate notice of what is required of him in order to
8 oppose the motion. Woods v. Carey, 684 F.3d 934, 939 (9th Cir.
9 2012) (notice requirement set out in Rand v. Rowland, 154 F.3d 952
10 (9th Cir. 1998), must be served concurrently with motion for summary
11 judgment).

12 b. Plaintiff's opposition to the summary judgment motion,
13 if any, shall be filed with the Court and served upon defendants no
14 later than twenty-eight (28) days from the date the motion is filed.

15 c. Defendants shall file a reply brief no later than
16 fourteen (14) days after the date the opposition is filed.


17 d. The motion shall be deemed submitted as of the date
18 the reply brief is due. No hearing will be held on the motion
19 unless the Court so orders at a later date.

20 The Clerk is directed to serve Magistrate Judge Vadas with
21 a copy of this order.

22 This order terminates docket number 61.

23 IT IS SO ORDERED.

24 DATED 01/20/2015

25 
26 THELTON E. HENDERSON
27 United States District Judge
28